

Supreme Court of Florida

No. SC96465

JAMES SIMMONS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[July 6, 2000]

PER CURIAM.

We have for review the decision in Simmons v. State, 755 So. 2d 682 (Fla. 4th DCA 1999), in which the Fourth District certified the same question which was certified in Woods v. State, 740 So. 2d 20 (Fla. 1st DCA 1999):

DOES THE PRISON RELEASEE REOFFENDER
PUNISHMENT ACT, CODIFIED AS SECTION 775.082(8),
FLORIDA STATUTES (1997), VIOLATE THE SEPARATION
OF POWERS CLAUSE OF THE FLORIDA CONSTITUTION?

We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We recently approved the First District's decision in Woods, holding that the

Prisoner Releasee Reoffender Act, as properly interpreted by the First District, does not violate separation of powers, and rejecting other constitutional challenges to the Act. See State v. Cotton, Nos. SC94996 & SC95281 (Fla. June 15, 2000).

Accordingly, for the reasons expressed in Cotton, we answer the certified question in the negative, and approve the decision of the Fourth District in this case.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE and LEWIS, JJ., concur.

QUINCE, J., dissents with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF FILED, DETERMINED.

QUINCE, J., dissenting.

I dissent for the reasons stated in my dissent in State v. Cotton, Nos. SC94996 & SC95281 (Fla. June 15, 2000).

Application for Review of the Decision of the District Court of Appeal - Certified Great Public Importance

Fourth District - Case No. 4D98-2792

(Palm Beach County)

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for Petitioner

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for Respondent